

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN ASSEMBLY JUNE 28, 2005

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE MAY 2, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL**No. 506**

Introduced by Senator Poochigian

(Coauthor: Senator Dunn)

(Coauthors: Assembly Members Aghazarian, Bermudez, Garcia, La Suer, and Mountjoy)

February 18, 2005

An act to amend Section 2194 of, and to add Section 2166.7 to, the Elections Code, and to amend Section 6254.24 of the Government Code, relating to public officials.

LEGISLATIVE COUNSEL'S DIGEST

SB 506, as amended, Poochigian. Public officials.

Existing law provides, until January 1, 2008, that participants in the "Address Confidentiality for Victims of Domestic Violence and Stalking" program and the "Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients" program and who complete an application containing specified information in person at a community-based victims' assistance program may have certain personal information, including the program participant's voter registration, remain confidential and not disclosed to the public.

~~This bill would authorize by requiring a local elections official in his or her discretion to extend this confidentiality of voter registration information to specified public safety officials, upon application, as specified, for a period of no more than two years. The bill would require years, and requiring that the application to be a public record, would impose a state-mandated local program.~~

Existing law prohibits a state or local agency from posting on the Internet the home address or telephone number of any elected or appointed official. It also prohibits, and makes punishable as a misdemeanor or felony, as specified, any person from knowingly posting this information or that of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of public safety officials state and federal judges and court commissioners. By expanding an existing crime, this bill would impose a state-mandated local program.

This bill would make technical and conforming changes to existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2166.7 is added to the Elections Code,
- 2 to read:
- 3 2166.7. (a) A county elections official ~~may~~ *shall*, upon
- 4 application of a public safety officer, make confidential that
- 5 officer's residence address, telephone number, and e-mail
- 6 address appearing on the affidavit of registration.
- 7 (b) The application by the public safety officer shall contain a
- 8 statement, signed under penalty of perjury, that the person is a

1 public safety officer as defined in subdivision (f) and that a life
2 threatening circumstance exists to the officer or a member of the
3 officer's ~~household~~ *family*. The application shall be a public
4 record.

5 (c) The confidentiality granted pursuant to subdivision (a) shall
6 terminate no more than two years after commencement, as
7 determined by the county elections official. The officer may
8 submit a new application for confidentiality pursuant to
9 subdivision (a), and the new request may be granted for an
10 additional period of not more than two years.

11 (d) Any person granted confidentiality under subdivision (a)
12 shall:

13 (1) Be considered an absent voter for all subsequent elections
14 or until the county elections official is notified otherwise by the
15 Secretary of State or in writing by the voter. A voter requesting
16 termination of absent voter status thereby consents to placement
17 of his or her residence address, telephone number, and e-mail
18 address in the roster of voters.

19 (2) In addition to the required residence address, provide a
20 valid mailing address to be used in place of the residence address
21 for election, scholarly, or political research, and government
22 purposes. The elections official, in producing any list, roster, or
23 index may, at his or her choice, use the valid mailing address or
24 the word "confidential" or some similar designation in place of
25 the residence address.

26 (e) No action in negligence may be maintained against any
27 government entity or officer or employee thereof as a result of
28 disclosure of the information that is the subject of this section
29 unless by a showing of gross negligence or willfulness.

30 (f) "A public safety officer" has the same meaning as defined
31 in subdivision (a), (d), (e), (f), or (j) of Section 6254.24 of the
32 Government Code.

33 ~~(g) The county elections official may, in his or her discretion,~~
34 ~~determine the sufficiency of any certification presented by the~~
35 ~~applicant public safety officer.~~

36 SEC. 2. Section 2194 of the Elections Code is amended to
37 read:

38 2194. (a) The voter registration card information identified in
39 subdivision (a) of Section 6254.4 of the Government Code:

1 (1) Shall be confidential and shall not appear on any computer
2 terminal, list, affidavit, duplicate affidavit, or other medium
3 routinely available to the public at the county elections official's
4 office.

5 (2) Shall be provided with respect to any voter, subject to the
6 provisions of Sections 2166.5, 2166.7, and 2188, to any
7 candidate for federal, state, or local office, to any committee for
8 or against any initiative or referendum measure for which legal
9 publication is made, and to any person for election, scholarly,
10 journalistic, or political purposes, or for governmental purposes,
11 as determined by the Secretary of State.

12 (b) Notwithstanding any other provision of law, the California
13 driver's license number, the California identification card
14 number, the social security number, and any other unique
15 identifier used by the State of California for purposes of voter
16 identification shown on a voter registration card of a registered
17 voter, or added to voter registration records to comply with the
18 requirements of the Help America Vote Act of 2002 (42 U.S.C.
19 *Sec.* 15301 et seq.), are confidential and shall not be disclosed to
20 any person.

21 (c) The home address of any voter shall be released whenever
22 the person's vote is challenged pursuant to Sections 15105 to
23 15108, inclusive, or 14240 to 14253, inclusive. The address shall
24 be released only to the challenger, to elections officials, and to
25 other persons as necessary to make, defend against, or adjudicate
26 the challenge.

27 (d) A governmental entity, or officer or employee thereof,
28 shall not be held civilly liable as a result of disclosure of the
29 information referred to in this section, unless by a showing of
30 gross negligence or willfulness.

31 SEC. 3. Section 6254.24 of the Government Code is amended
32 to read:

33 6254.24. As used in this chapter, "public safety official"
34 means any of the following:

35 (a) An active or retired peace officer as defined in Sections
36 830 and 830.1 of the Penal Code.

37 (b) An active or retired public officer or other person listed in
38 Sections 1808.2 and 1808.6 of the Vehicle Code.

39 (c) An "elected or appointed official" as defined in subdivision
40 (c) of Section 6254.21.

1 (d) Attorneys employed by the Department of Justice, the
2 State Public Defender, a county office of the district attorney or
3 public defender, the United States Attorney, or the Federal Public
4 Defender.

5 (e) City attorneys and attorneys who represent cities in
6 criminal matters.

7 (f) Specified employees of the Department of Corrections, the
8 California Youth Authority, and the Prison Industry Authority
9 who supervise inmates or are required to have a prisoner in their
10 care or custody.

11 (g) Nonsworn employees who supervise inmates in a city
12 police department, a county sheriff's office, the Department of
13 the California Highway Patrol, federal, state, and local detention
14 facilities, and local juvenile halls, camps, ranches, and homes.

15 (h) Federal prosecutors and criminal investigators and
16 National Park Service Rangers working in California.

17 (i) The surviving spouse or child of a peace officer defined in
18 Section 830 of the Penal Code, if the peace officer died in the
19 line of duty.

20 (j) State and federal judges and court commissioners.

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.